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TAREK N FAHMI BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 12400 WILSHIRE BOULEVARD			EXAMINER	
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SEVENTH FLOOR LOS A NGELES, CA 90025		ART UNIT	PAPER NUMBER	
		2614		

Please find below and/or attached an Office communication concerning this application or proceeding.

1

	17,818	Applicant(s) OZ ET AL.
Office Action Summany		OZ ET AL.
Office Action Summary Exam	niner	
		Art Unit
	ny Ma	2614
The MAILING DATE of this communication appears of Period for Reply	n the cover sheet with the co	orrespondence address
A SHORTENED STATUTORY PERIOD FOR REPLY IS S THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the If NO period for reply is specified above, the maximum statutory period will apply Failure to reply within the set or extended period for reply will, by statute, cause the Any reply received by the Office later than three months after the mailing date of earned patent term adjustment. See 37 CFR 1.704(b). Status	no event, however, may a reply be time ne statutory minimum of thirty (30) days and will expire SIX (6) MONTHS from the application to become ABANDONED	ely filed will be considered timely. he mailing date of this communication. 0 (35 U.S.C. § 133).
1)⊠ Responsive to communication(s) filed on <u>02 March</u>	2000	
2a) ☐ This action is FINAL . 2b) ☑ This action		
Since this application is in condition for allowance e closed in accordance with the practice under Ex pair.	ccept for formal matters, pro	osecution as to the merits is 53 O.G. 213.
Disposition of Claims	,	
4)⊠ Claim(s) <u>1-22</u> is/are pending in the application.		
4a) Of the above claim(s) is/are withdrawn from	n consideration.	
5) Claim(s) is/are allowed.		
6)⊠ Claim(s) <u>1-22</u> is/are rejected.		
7) Claim(s) is/are objected to.		
8) Claim(s) are subject to restriction and/or elect	on requirement.	
Application Papers		
9) The specification is objected to by the Examiner.		
10) ☐ The drawing(s) filed on <u>02 March 2000</u> is/are: a) ☐ ac	•	
Applicant may not request that any objection to the drawing		• •
11) The proposed drawing correction filed on is: a)		/ed by the Examiner.
If approved, corrected drawings are required in reply to the 12) The oath or declaration is objected to by the Examine		
Priority under 35 U.S.C. §§ 119 and 120	•	
	v under 25 H.C.C. \$ 440(a)	(d) == (f)
13) Acknowledgment is made of a claim for foreign prioria) All b) Some * c) None of:	y under 35 0.5.C. § 119(a)-	-(a) or (1).
1. Certified copies of the priority documents have	been received	
2. Certified copies of the priority documents have		n No
3. Copies of the certified copies of the priority doc	uments have been received	
application from the International Bureau (Fig. * See the attached detailed Office action for a list of the		l.
14) Acknowledgment is made of a claim for domestic prior	ty under 35 U.S.C. § 119(e)	(to a provisional application).
 a) ☐ The translation of the foreign language provisions 15) ☐ Acknowledgment is made of a claim for domestic prior 	• •	
Attachment(s)		
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.		(PTO-413) Paper No(s) atent Application (PTO-152)

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DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "400" in Figure 4 and "500" in Figure 5. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

- 2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
- 3. The disclosure is objected to because of the following informalities: the reference number "step 402" in line 2, age 14, should read "step 502".

Appropriate correction is required.

Claim Rejections - 35 US€ § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-3, 6-8, 14, 15, 17, and 19-21 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Tsuria (US 5,786,845).

As to claim 1, the claimed storing a first data set. The Tsuria reference discloses the advertisement data is processed by processor 28 and stored in memory unit 30. During zapping periods, processor 28 is operable to retrieve the advertisement data from memory 30 and to provide it, via D/A 26, to combiner and amplifier 32 for displaying the advertisement data on television 14 (Tsuria 3:60-65).

As to the claimed receiving a request to display a second data set. The Tsuria the receiver and tuner unit 19 is tuned to a channel in response to a selection made by a subscriber. The subscriber may make his selection by operating a keypad (not shown) mounted on CATV converter 12 or a remote control unit (not shown) (Tsuria 2:63-67).

As to the claimed receiving the second data set; and transmitting the first data set during a delay period between receiving the request and receiving the second data set. The Tsuria reference discloses when the subscriber switches to another channel, display of the regular CATV programming associated with the channel previously viewed ceases and the zapping time information is displayed until the television is tuned to the channel to which the subscriber has

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switched. Then, display of the zapping time information ceases and the regular programming associated with the channel to which the subscriber has switched is displayed (Tsuria 4:44-51).

As to claim 2, the claimed wherein step storing a first data set comprises storing the first data set in a buffer of a digital set top box. The Tsuria reference discloses preferably, the interval message provider includes a memory for storing at least one predetermined information message for later display during a channel-changing interval (Tsuria 1:56-58).

As to claim 3, the claimed wherein receiving a request to display a second data set comprises receiving a signal from a television remote control device to switch channels, the signal corresponding to the request to display the second data set, wherein the second data set corresponds to a program associated with the switched channel. The Tsuria reference discloses the receiver and tuner unit 19 is tuned to a channel in response to a selection made by a subscriber. The subscriber may make his selection by operating a keypad (not shown) mounted on CATV converter 12 or a remote control unit (not shown) (Tsuria 2:63-67). The Tsuria reference also discloses when the subscriber switches to another channel, display of the regular CATV programming associated with the channel previously viewed ceases and the zapping time information is displayed until the television is tuned to the channel to which the subscriber has switched. Then, display of the zapping time information ceases and the regular programming associated with the channel to which the subscriber has switched is displayed (Tsuria 4:44-51).

As to claim 6, the claimed further comprising the step of displaying the first data set on a display device substantially upon receipt of the request for the second data set and terminating the display of the first data set upon initiating display of the second data set. The Tsuria reference discloses when the subscriber switches to another channel, display of the regular

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CATV programming associated with the channel previously viewed ceases and the zapping time information is displayed until the television s tuned to the channel to which the subscriber has switched. Then, display of the zapping time information ceases and the regular programming associated with the channel to which the subscriber has switched is displayed (Tsuria 4:44-51).

As to claim 7, the claimed wherein the first data set comprises data associated with the second data set. The Tsuria reference discloses preferably, the information message is associated with a channel. The channel may be a channel which is currently viewed. Alternatively, the channel may be a channel to which tuning is changed (Tsuria 2:1-4).

As to claim 8, wherein the first data set comprises advertising data selected in accordance with a user profile. The Tsuria reference discloses it is to be appreciated that advertisement which is targeted to individual subscribers may be provided by either CATV source 15 or the telephone network (Tsuria 4:27-30).

As to claim 14, the claimed buffer for storing a first data set. The Tsuria reference discloses the advertisement data is processed by processor 28 and stored in memory unit 30 (Tsuria 3:60-61).

As to the claimed input element for receiving a request for a second data set. The Tsuria reference discloses the receiver and tuner unit 19 is tuned to a channel in response to a selection made by a subscriber. The subscriber may make his selection by operating a keypad (not shown) or a remote control unit (not shown) (Tsuria 2:63-67).

As to the claimed network interface for receiving the second data set. The Tsuria reference discloses preferably, CATV source 15 includes a regular programming transmitter 16 and zapping time message transmitter 17 (Tsuria 2: 54-55). The Tsuria reference also discloses

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the receiver and tuner unit 19 is tuned to a channel in response to a selection made by a subscriber (Tsuria 2:63-64).

As to the claimed display interface coupled to the buffer and to a display device for transmitting data from the buffer to the display device. The Tsuria reference discloses a memory unit coupled to a processor and television set (Tsuria, see Figure 1).

As to the claimed memory storing an executable code. The Tsuria reference discloses it is to be appreciated that processor 28 may process messages and may enable selection of channels to be displayed on television 14. Processor 28 may also process video and audio data, slides and stills pictures in accordance with instruction received from CATV source 15 or a subscriber which programs processor 28 via a keypad (not shown) or remote control (not shown) (Tsuria 3:20-26) where an executable code stored in memory is inherent to the operation of the processor.

As to the claimed processor for executing the executable code in response to the request received by the input element, the executable code instructing the display interface to transmit the first data set in the buffer to the display device during a delay period between receiving the request and receiving the second data set. The Tsuria reference discloses during zapping periods, processor 28 is operable to retrieve the advertisement data from memory 30 and to provide it, via D/A 26, to combiner and amplifier 32 for displaying the advertisement data on television 14 (Tsuria 3:61-65).

As to claim 15, the claimed wherein the first data set stored in the buffer corresponds to a viewer of the display device. The Tsuria reference discloses the advertisement data is processed by processor 28 and stored in memory unit 30 (Tsuria 3:60-61). The Tsuria reference also

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discloses it is to be appreciated that advertisement which is targeted to individual subscribers may be provided by either CATV source 15 or the telephone network (Tsuria 4:27-30).

As to claim 17, the claimed wherein the request of the second data set corresponds to a signal received from a television remote control device to switch channels, and wherein the second data set corresponds to a program associated with the switched channel. The Tsuria reference discloses the receiver and tuner unit 19 is tuned to a channel in response to a selection made by a subscriber. The subscriber may make his selection by operating a keypad (not shown) mounted on CATV converter 12 or a remote control unit (not shown) (Tsuria 2:63-67).

As to claim 19, the claimed wherein the display interface displays the first data set on the display device substantially upon receipt of the second data set and terminates the display of the first data set upon initiating display of the second data set. The Tsuria reference discloses when the subscriber switches to another channel, display of the regular CATV programming associated with the channel previously viewed ceases and the zapping time information is displayed until the television s tuned to the channel to which the subscriber has switched. Then, display of the zapping time information ceases and the regular programming associated with the channel to which the subscriber has switched is displayed (Tsuria 4:44-51).

As to claim 20, the claimed wherein the first data set comprises data associated with the second data set. The Tsuria reference discloses preferably, the information message is associated with a channel. The channel may be a channel which is currently viewed. Alternatively, the channel may be a channel to which tuning is changed (Tsuria 2:1-4).

As to claim 21, the claimed wherein the first data set comprises advertising data selected in accordance with a viewer profile. The Tsuria reference discloses it is to be appreciated that

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advertisement which is targeted to individual subscribers may be provided by either CATV source 15 or the telephone network (Tsuria 4:27-30).

Claim Rejections - 35 USC § 103

- 6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 7. Claims 4, 12, 13, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuria (US 5,786,845) in further view of Picco et al. (US 6,029,045).

As to claim 4, the claimed further comprising the step of selecting the first data set from a plurality of first data sets received over a network in accordance with a profile information. The Tsuria reference discloses it is to be appreciated that advertisement which is targeted to individual subscribers may be provided by either CATV source 15 or the telephone network (Tsuria 4:27-30). However, the Tsuria reference does not specifically discloses selecting the first data set from a plurality of first data sets received over a network. The Picco et al. reference discloses the invention provides a system and method for providing individualized local content in a digital data stream in which a plurality of pieces of local content may be downloaded to a set-top box, but only a selected portion of these pieces of local content are stored in a hard disk in the set-top box (Picco et al. 3:14-19). The Picco et al. reference also discloses the storing and insertion of local content into the programming data for a viewer may be customized based on

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the preferences of a viewer (Picco et al., 3:27-29). Accordingly, the examiner submits that it would have been obvious to one of ordinary skill at the time the invention was made to modify the Tsuria CATV message display with the Picco et al. targeted advertising for the purpose of displaying CATV messages that are correlated with the interests of a viewer.

As to claim 12, the claimed further comprising the steps of receiving a transaction request to a transaction provider. The Tsuria reference discloses all the limitations of claim 1. However, the Tsuria reference does not discloses the use of transactions. The Picco et al. reference discloses both of the embodiments of the set-top box also permit a user of the set-top box to browse the world wide web while viewing a television program (Picco et al. 13:24-26) where transactions between web servers is inherent to web surfing. The Picco et al. reference also discloses the set-top box determines if the user has selected to activate a web browser in step 264 when, for example, the use sees a television advertisement which references a particular web site (Picco et al. 14:22-25). Accordingly, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Tsuria CATV message display with the Picco et al. web browsing for the purpose of providing additional information and functionality to the viewer.

As to claim 13, the claimed receiving a transaction request for additional data associated with the first data set; and displaying the additional data on the display device is suspended until a resume signal is received. The Tsuria reference discloses all the limitations of claim 1.

However, the Tsuria reference does not discloses the use of transactions. The Picco et al. reference discloses both of the embodiments of the set-top box also permit a user of the set-top box to browse the world wide web while viewing a television program (Picco et al. 13:24-26)

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functionality to the viewer.

where transactions between web servers is inherent to web surfing. The Picco et al. reference also discloses next the set-top box determines if the user has selected to activate a web browser in step 264 when, for example, the use sees a television advertisement which references a particular web site. If the user has not activated the web browser, the method returns to step 262. If the web browser has been activated, the web browser is started in step 266. Next, in step 268, the set-top box stores the programming data that the user is missing while the user browses the web. The set-top box then determines if the user has completed the web browsing in step 270 and continues to store the programming data until the web browsing is complete (Picco et al. 14:22-23). Although the Picco et al. reference does not specifically disclose a resume signal, it is nevertheless inherent to the device for the indication of when web browsing is completed.

Accordingly, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Tsuria CATV message display with the Picco et al. web browsing for the purpose of providing uninterrupted additional information and

As to claim 22, the claimed wherein the input element receives a transaction request for additional data associated with the transmitted first data set and the display interface displays the additional data on the display device until the input element receives a resume signal. The Tsuria reference discloses all the limitations of claim 14. However, the Tsuria reference does not discloses the use of transactions. The Picco et al. reference discloses both of the embodiments of the set-top box also permit a user of the set-top box to browse the world wide web while viewing a television program (Picco et al. 13:24-26) where transactions between web servers is inherent to web surfing. The Picco et al. reference also discloses next the set-top box determines if the

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user has selected to activate a web browser in step 264 when, for example, the use sees a television advertisement which references a particular web site. If the user has not activated the web browser, the method returns to step 262. If the web browser has been activated, the web browser is started in step 266. Next, in step 268, the set-top box stores the programming data that the user is missing while the user browses the web. The set-top box then determines if the user has completed the web browsing in step 270 and continues to store the programming data until the web browsing is complete (Picco et al. 14:22-23). Although the Picco et al. reference does not specifically disclose a resume signal, it is nevertheless inherent to the device for the indication of when web browsing is completed. Accordingly, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Tsuria CATV message display with the Picco et al. web browsing for the purpose of providing uninterrupted additional information and functionality to the viewer.

8. Claims 5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuria (US 5,786,845) in further view of Nathan et al. (US 6,182,126).

As to claim 5, the claimed further comprising the step of storing one of the plurality of first data sets in a buffer of a digital set top box and storing another first data set in a memory of the digital set top box, wherein the first data set in the memory of the digital set top box replaces the first data set in the buffer of the digital set top box once the first data set in the buffer is transmitted to a display device. The Tsuria reference discloses preferably, the interval message provider include at least one predetermined information message for later display during a channel changing interval (Tsuria 1:56-58). However, the Tsuria reference does not disclose wherein the first data set in the memory of the digital set top box replaces the first data set in the

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buffer of the digital set top box. The Nathan et al. reference discloses button (1038) allows ordering of the selection which is then downloaded according to the above-described mode (Nathan et al. 6:66-67). The Nathan et al. reference also discloses a SPMM module allows the system to manage the musical song or video selections in the queue for their playback in the order of selection (Nathan et al. 8:22-24). The Nathan et al. reference also discloses audio and display buffers (Nathan et al.; Figure 2 "110,111"). The Nathan et al. reference also discloses when the selection has been reproduced in its entirety, it is removed from the queue file and the system checks if there are others in the queue file. If there is another, the system immediately starts to play the selection (Nathan et al. 9:54-57). Accordingly, the examiner submits that it would have been obvious to one of ordinary skill at the time the invention was made to modify the Tsuria CATV message display with the Nathan et al. queue for the purpose of displaying CATV messages in order of receipt and a method for memory management.

As to claim 18, the claimed wherein the network interface receives a plurality of first data sets and the executable code stores one of the plurality of first data sets in the buffer and another of the first data sets in the memory, wherein the executable code replaces the first data set in the buffer with the first data set in the memory once the first data set in the buffer is transmitted to the display device. The Tsuria reference discloses preferably, the interval message provider include at least one predetermined information message for later display during a channel changing interval (Tsuria 1:56-58). However, the Tsuria reference does not disclose wherein the first data set in the memory of the digital set top box replaces the first data set in the buffer of the digital set top box. The Nathan et al. reference discloses button (1038) allows ordering of the selection which is then downloaded according to the above-described mode (Nathan et al. 6:66-

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67). The Nathan et al. reference also discloses a SPMM module allows the system to manage the musical song or video selections in the queue for their playback in the order of selection (Nathan et al. 8:22-24). The Nathan et al. reference also discloses audio and display buffers (Nathan et al.; Figure 2 "110,111"). The Nathan et al. reference also discloses when the selection has been reproduced in its entirety, it is removed from the queue file and the system checks if there are others in the queue file. If there is another, the system immediately starts to play the selection (Nathan et al. 9:54-57). Accordingly, the examiner submits that it would have been obvious to one of ordinary skill at the time the invention was made to modify the Tsuria CATV message display with the Nathan et al. queue for the purpose of displaying CATV messages in order of receipt and a method for memory management.

9. Claim 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuria (US 5,786,845) in further view of Kitsukawa et al. (US 6,282,713).

As to claim 9, the claimed receiving an interactive request for additional data in response to the transmitted first data set; and transmitting the additional data to a display device. The Tsuria reference discloses all the limitations of claim 1. However, the Tsuria reference does not disclose the use of additional data. The Kitsukawa et al. reference discloses according to one aspect of the invention, coupon information is provided for items comprising products and services. The products and services may be used in scenes of live and prerecorded television programs and live and prerecorded television commercials (Kitsukawa et al. 43-46). The Kitsukawa et al. reference also discloses operation continues at step 810, at which the coupon information for a particular item may be selected, or requested, when the viewer selects the indicator corresponding to the item in which the viewer is interested (Kitsukawa et al. 11:15-18).

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The Kitsukawa et al. reference also discloses if coupon information is selected for display by the viewer, operation continues at step 812, at which the full coupon information is displayed on the display along with the broadcast of the currently selected television program (Kitsukawa et al. 11:20-24). Accordingly, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Tsuria CATV message display with the Kitsukawa et al. coupon information for the purpose of providing the viewer with additional information.

As to claim 11, the claimed further comprising the step of obtaining the additional data from a local memory. The Tsuria reference and Kitsukawa et al. reference discloses all the limitations of claim 9. However, the Tsuria reference does not disclose obtaining additional data from memory. The Kitsukawa et al. reference discloses furthermore, the coupon information may be received prior to receipt of the scenes or television programs in which the identified items corresponding to the coupon information appear (Kitsukawa et al. 10:54-57) where it is understood that coupon information is stored in memory for later retrieval. Accordingly, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Tsuria CATV message display with the Kitsukawa et al. coupon information for the purpose of providing the viewer with additional information that is readily accessible.

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuria (US 5,786,845) in further view of Kitsukawa et al. (US 6,282,713) and Hawkins et al. (US 6,005,561).

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As to claim 10, the claimed transmitting the interactive request to a data source, the data source having access to the additional data and receiving the additional data from the data source. The Tsuria reference discloses CATV message display. However, the Tsuria reference does not disclose an interactive request to a data source. The Hawkins et al. reference discloses another alternative is to use a smaller data set. A window of time can be chosen in which subsets of the entire electronic program guide (i.e., a daily electronic program guide or an hourly electronic program guide) are saved to memory. This would give the user full information immediately for the current time window, but sacrifice the viewing and potential recording of future programming without first accessing the server or communication channel (Hawkins et al. 20:3-10). Accordingly, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Tsuria CATV message display with the Hawkins back channel for the purpose of making additional information, not stored on the set top box, available to viewers.

11. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuria (US 5,786,845) in further view of Hawkins et al. (US 6,005,561).

As to claim 16, the claimed wherein the network interface transmits the request for the second data set to a remote data source. The Tsuria reference discloses all the limitations of claim 1. However, the Tsuria reference does not disclose requesting a second data set to a remote data source. The Hawkins et al. reference discloses should the viewer wan video on demand data, the operation would be similar as that described to the main menu function. The media object for the video on demand, PRM_{vod}, is located with PRG_c. The digital tuner, if necessary, would be re-tuned to the broadcast data stream, and a request made to the network

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interface to load the video on demand PID pack (Hawkins et al. 11-17). Accordingly, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Tsuria CATV message display with the Hawkins et al. video on demand function for the purpose of providing video on demand and additional data from a remote source to a viewer.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny Ma whose telephone number is (703) 305-8099. The examiner can normally be reached on 8:00 am - 6:00 pm (First Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5399 for regular communications and (703) 308-5399 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

im

January 13, 2003

JOHN MILLER

2,2h

SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2600